

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

DAN O'DONNELL, SR., )  
                          )  
Plaintiff,            )  
                          )  
vs.                    )                   Case No.  
                          )  
                          )  
FINANCIAL RECOVERY SYSTEMS, )  
INC.,                    )  
                          )  
Defendant.            )

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. §§ 1331 and 1441 et seq., and 47 U.S.C. § 227 and 15 U.S.C. § 1692, Defendant Financial Recovery Services, Inc., hereby gives notice of removal of this cause of action, under the caption Dan O'Donnell, Sr. v. Financial Recovery Services, Inc., from the Circuit Court of Warren County, Associate Division, State of Missouri (“State Court Action”) to the United States District Court for the Eastern District of Missouri. In support of removal, Defendant Financial Recovery Services, Inc. (“Defendant”), by and through its attorneys, states as follows:

1. On or about February 25, 2013 Defendant received a copy of Plaintiff's Complaint. Copies of all process, pleadings and orders served upon Defendant in this action are attached hereto as **Exhibit A**.
2. In accordance with 28 U.S.C. § 1446(b), this Notice of Removal is timely because it is filed within 30 days after Defendant's receipt of the Complaint.
3. Plaintiff's Complaint purports to set forth a cause of action under the Telephone Consumer Protection Act, 47 U.S.C. § 227 and the Fair Debt Collection Practices Act, 15 U.S.C. § 1692.

4. This action may be removed by Defendant pursuant to 28 U.S.C. § 1441(b) because it presents a federal question and this Court has original federal question jurisdiction as set forth in 28 U.S.C. § 1331.

5. Concurrent with the filing of this Notice of Removal, written notice of its filing is being served pursuant to 28 U.S.C. § 1446(d) upon Plaintiff's counsel, and a true and accurate copy of this Notice of Removal is also being filed with the Clerk of the Circuit Court of Warren County as required.

6. By filing this Notice of Removal, Defendant does not make any admission of fact, law or liability, and expressly reserves all defenses and motions otherwise available to it.

WHEREFORE, in accordance with the authorities set forth above, Defendant hereby removes this action from the Circuit Court of St. Louis, County, Missouri, to the United States District Court for the Eastern District of Missouri.

DATED this 18<sup>th</sup> day of March, 2013.

Respectfully submitted,  
SPENCER FANE BRITT & BROWNE LLP

By: /s/ Joshua C. Dickinson  
Joshua C. Dickinson, #51446MO  
12925 West Dodge Road, Suite 107  
Omaha, NE 68154  
(402) 965-8600 (telephone)  
(402) 965-8601 (facsimile)  
[jdickinson@spencerfane.com](mailto:jdickinson@spencerfane.com)

Patrick T. McLaughlin, #48633MO  
1 North Brentwood Blvd., Suite 1000  
St. Louis, MO 63105  
(314) 863-7733 (telephone)  
(314) 862-4656 (facsimile)  
[pmclaughlin@spencerfane.com](mailto:pmclaughlin@spencerfane.com)

and

James R. Bedell, #0351544MN  
MOSS & BARNETT, P.A.  
4800 Wells Fargo Center  
90 South Seventh Street  
Minneapolis, MN 55402  
(612) 877-5310 (telephone)  
(612) 877-5012 (facsimile)  
[BedellJ@moss-barnett.com](mailto:BedellJ@moss-barnett.com)

*Attorneys for Defendant*

**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing document was filed electronically with the United States District Court for the Eastern District of Missouri, Eastern Division, this 18<sup>th</sup> day of March, 2013, with a true copy mailed, first class postage prepaid, to:

James W. Eason  
The Eason Law Firm, LLC  
1 North Taylor Avenue  
St. Louis, MO 63108

*Attorneys for Plaintiff*

/s/ Joshua C. Dickinson